

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Karl Bryan Strunk**  
Docket No. **261167**  
L.C. No. **87-001315-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to hold this appeal in abeyance, the motion to remand, and this delayed application for leave to appeal are DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Neither issue raised by defendant constitutes a retroactive change in the law or newly discovered evidence. The case of *People v Petty*, 469 Mich 108(2003) did not change the law, and thus cannot be a retroactive change in the law. That case simply reaffirmed a principle of law that was already in existence. Furthermore, the affidavit from defendant's mother would not remotely satisfy the four conditions required to constitute newly discovered evidence.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 1 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk